

THE SCOTT FIRM  
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ATTORNEYS FOR PLAINTIFF EDMUND BRYAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE STEIN

EDMUND BRYAN,

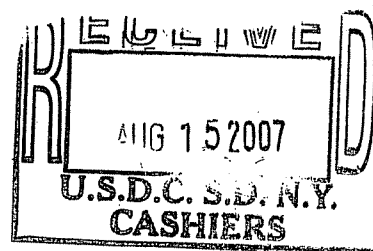
Plaintiff,

vs.

MEMORIAL SLOAN-KETTERING CANCER  
CENTER

Defendants.

) Case No. 07-CV-7300  
)  
) VERIFIED COMPLAINT  
) (DEMAND FOR JURY TRIAL)  
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)  
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Plaintiff EDMUND BRYAN alleges:

1. Plaintiff is and was at all times mentioned herein a citizen of the State of New York. Plaintiff is of African descent, Jamaican, male, and at all times mentioned herein was an employee of Defendant MEMORIAL SLOAN-KETTERING CANCER CENTER (MEMORIAL).
2. Defendant, MEMORIAL is a corporation incorporated under the laws of the State of Delaware having its principal place of business in the State of New York.
3. The subject matter jurisdiction of this Court over Defendant MEMORIAL is predicated on Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et.seq., which prohibits discrimination in the workplace because of national origin, color and race.

- 1 4. Plaintiff additionally asserts pendent State claims of race  
2 discrimination under New York State Constitution Article I §11 and New  
3 York State Executive Law Section 296, *et.seq*, and perceived sexual  
4 orientation under New York City Administrative Code § 8-107.
- 5 5. Plaintiff filed a timely charge of color discrimination, race  
6 discrimination, national origin discrimination, hostile work  
7 environment and retaliation with the Equal Employment Opportunity  
8 Commission and has received a right-to-sue letter. Thus, he has  
9 exhausted his administrative remedies.
- 10 6. Commencing on or about 2002, within the State of New York, Defendant  
11 MEMORIAL employees, supervisors, and managerial employees, began a  
12 pattern of discrimination and disparate treatment based on plaintiff's  
13 color, race, national origin and perceived sexual orientation which  
14 included but is not limited to the following: (a) offensive comments  
15 directed towards plaintiff; (b) harassing and disparate treatment as  
16 opposed to other employees; and (c) passing over plaintiff for  
17 promotions.
- 18 7. Defendant MEMORIAL, its employees, supervisors, and managerial agents,  
19 have retaliated against plaintiff in violation of 42 U.S.C. §2000e-3(a)  
20 by engaging in a course of retaliatory conduct when plaintiff was  
21 passed over for promotions after complaining of discriminatory  
22 misconduct by his immediate supervisor which retaliation was carried  
23 out by the Human Resource Department, and employees of Defendant  
24 MEMORIAL acting within the course and scope of their employment.
- 25 8. Defendant MEMORIAL acted with malice and reckless disregard of  
26 plaintiff's rights under federal and state laws prohibiting  
discrimination in the workplace based on race, national origin, and

1 sexual orientation. Further, Defendant MEMORIAL'S wrongful conduct was  
2 carried out and ratified by a managing agent, or a managing agent who  
3 had advance knowledge of the wrongful conduct toward plaintiff and  
4 ratified that conduct. As a result of Defendant's conduct, plaintiff  
5 is entitled to recover punitive and exemplary damages in an amount  
6 commensurate with applicable provisions of federal and state law.


7 9. Plaintiff hereby demands a trial by jury as provided by Rule 38(a) of  
8 the Federal Rules of Civil Procedure.

9  
10 WHEREFORE, plaintiff prays for judgment against Defendant MEMORIAL as  
11 follows:

- 12 1. For compensatory damages, including loss of wages, promotional  
13 opportunities, benefits and other opportunities, benefits and other  
14 opportunities of employment, according to proof;
  - 15 2. For mental and emotional distress damages;
  - 16 3. For an award of interest, including prejudgment interest, at the legal  
17 rate;
  - 18 4. Equitable relief directing that plaintiff be promoted to the position  
19 of lead technician with full seniority all benefits and rights  
20 restored;
  - 21 5. For an award of prevailing party attorneys fees;
  - 22 6. For punitive and exemplary damages in an amount sufficient to punish  
23 and deter defendant's outrageous conduct;
  - 24 7. For costs of suit incurred herein, and,
- 25  
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1 8. For such other and further relief as the court deems just and proper.  
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4 DATED: August 3, 2007  
5 Brooklyn, New York

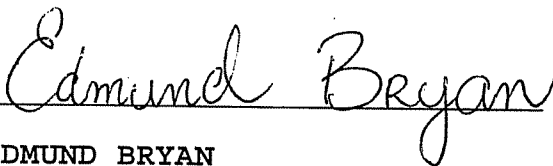
  
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VERIFICATION

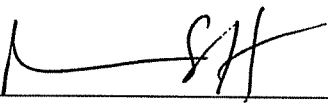
STATE OF NEW YORK )

COUNTY OF KINGS )

I, EDMUND BRYAN, being duly sworn, deposes and says that I am the plaintiff in the within action; I have read the foregoing complaint and know the contents thereof; the contents of the complaint are true to my knowledge, except as to those matters I believe to be true upon information and belief.

  
EDMUND BRYAN

Sworn to before me on the  
3<sup>rd</sup> day of August, 2007

  
NOTARY PUBLIC

EDMUND SCOTT  
Notary Public, State of New York  
No. 02SC098574  
Qualified in Kings County  
Commission Expires Sept. 15, 2007

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 EDMUND BRYAN,

5 Plaintiff,

6 against

7 MEMORIAL SLOAN-KETTERING CANCER CENTER

8 Defendant.  
9 -----X

10  
11 **VERIFIED COMPLAINT**  
12  
13 -----

14  
15  
16 THE SCOTT FIRM

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